

REAL ESTATE, TITLE ACQUIRED BY ADVERSE POSSESSION

Act of May. 31, 1901, P.L. 352, No. 217

Cl. 68

AN ACT

To provide for the recording, in certain instances, of titles to real estate acquired by twenty-one years' adverse possession.

Section 1. Be it enacted, &c., That every person who now has or shall hereafter acquire, or does or shall claim to have acquired, title to any real estate by twenty-one years adverse possession, under the provisions of the act of twenty-sixth March, one thousand seven hundred and eighty-five, and the several supplements thereto, and shall not be in the possession of the said real estate, shall, within six months from the time of withdrawing from or being out of the said possession, file in the recorder's office of the county where the said real estate is situate a written statement of his claim, by him subscribed and sworn to, in substance as follows, viz.:

Section 2. I, A.B. (the name of the party claimant) of, in the county of and State of, (or as the case may be) do hereby affirm and declare that I have acquired title in fee, by twenty-one years adverse possession, to the following described land, situate in, in the county of, and State of Pennsylvania, viz: (Here insert a full and complete description of the land claimed, by metes and bounds, or other sufficient designation). Adverse entry was made upon the said land by me on or about the day of, Anno Domini, and continued until about the day of, Anno Domini, (or, where the possession of the claimant is tacked on to that of others who have preceded him, it should be stated as follows: Adverse entry was made upon said lands by on or about the day of, Anno Domini, who continued in possession until about the day of, Anno Domini, and was succeeded therein by, who continued in possession until about the day of, Anno Domini, and was succeeded therein by me, who continued in possession until about the day of, Anno Domini). At the time of said entry C.D. (naming some person or persons in the line of the existing paper or legal title, as nearly as may be the real owner of said lands at the time of such entry), was the owner or reputed owner of the said land, and I claim adversely to him (or them). Witness my hand, this day of, Anno Domini

(Signed)

A.B.

Section 3. The said statement of claim shall be made by an executor, invested with the title or charged with the care and management of real estate, for the estate which he represents; by a trustee, for his cestuis que trustent; for an infant, by his guardian or next friend; and for a lunatic or inebriate, by his committee. It may also be made by one heir, or devisee, for himself and his co-heirs or co-devisees; and by one joint tenant or tenant in common, for himself and his co-tenants; and, being so made, shall operate in favor of each of the said heirs, devisees, joint tenants, or tenants in common; but no such statement shall preclude any other of such heirs, devisees or co-tenants from making and recording a statement on his own behalf, according to the facts as he claims them to be.

Section 4. The said statement shall be subscribed and sworn to before some officer competent to administer oaths and affirmations, who shall attest the same substantially as follows, viz: County of, State of SS. Be it

remembered, that on the day of, Anno Domini, before me, the subscriber, (here designate the title of the attesting officer) personally appeared A.B., (naming the claimant) who having been duly sworn, (or affirmed) did declare and say that the facts set forth in his foregoing statement of claim are true, as he verily believes. Witness my hand and official seal, the day and year aforesaid. X.Y., Notary Public (or as the case may be). (L.S.)

Section 5. The said statement of claim, on being filed in the recorder's office of the proper county, shall be recorded and indexed as though it were a deed or conveyance from the person named therein as the owner or reputed owner at the time of the adverse entry, as grantor, to the claimant or claimants, as grantees; and when so entered for record and indexed it shall be constructive notice of the said claim.

Section 6. Unless a statement of claim be made and recorded as herein provided, no title to lands by twenty-one years adverse possession, as aforesaid, shall avail against any purchaser, mortgagee, or judgment creditor for value, without notice, his heirs and assigns, except the claimant be in possession of such lands at the time of such purchase.

Section 7. Any person claiming to have heretofore acquired title to lands by twenty-one years adverse possession, under the statute, and not now being in possession of the same, shall record his claim, in the manner hereinbefore provided, within six months after the passage of this act, or be barred as aforesaid thereby.

Section 8. Nothing contained in this act shall be construed to give any title to any lands by a claim of title adverse to that of the Commonwealth of Pennsylvania, and no claim of title adverse to the Commonwealth of Pennsylvania shall be made or recorded under the provisions of this act.

Section 9. All acts or parts of acts inconsistent herewith are hereby repealed.